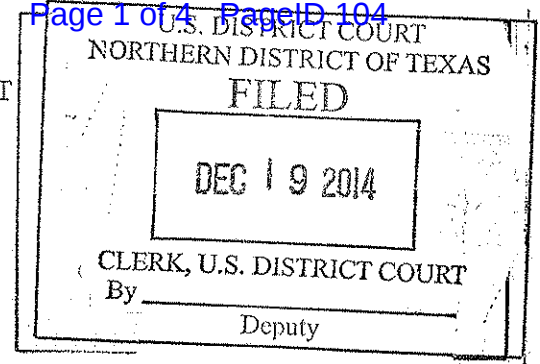


UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH



ORIGINAL

Lisa A. Biron,
Petitioner

v.

Jody Upton, Warden,
Respondent.

Case No.: 4:14-CV-772-0
(Consolidated with
4:14-CV-823-0)

PETITIONER'S MOTION TO CONSOLIDATE ACTIONS UNDER RULE 42(a)

The Petitioner, Lisa A. Biron, moves the Court to consolidate civil action 4:14-CV-772-0 with civil action 4:14-CV-823-0¹ and states in support the following:

Federal Rule of Civil Procedure 42(a) allows consolidation of actions when the actions before the court involve a common question of law or fact.

In this case, both actions are before the same court, the same judge, involve the same parties and counsel, and the same questions of law and fact. See Miller v. United States Postal Service, 729 F.2d 1033 (5th Cir. 1984) (proper solution to problems created by existence of two or more cases involving same parties and issues, simultaneously pending in same court, would be to consolidate them under Rule 42(a)).

Specifically, both actions involve Federal Bureau of Prison ("FBOP")

¹ Case number 4:14-CV-823-0 was filed prior to 4:14-CV-772-0 in Connecticut District Court as case number 3:14-CV-385-VLB, but was transferred to this Court on motion of Respondent and entered on this Court's docket on October 9, 2014.

disciplinary sanctions (loss of good time) against Petitioner for sending mail to her daughter, R.B.. Each incident report (all for code 296 violations) is based on the false premise that a no-contact order exists forbidding contact with R.B., or that R.B. is a person unauthorized to receive this mail.

These wrongful FBOP disciplinary actions began in November 2013 in FCI Danbury, Connecticut and have continued after Petitioner's transfer to FMC Carswell, Texas in April 2014.

In addition, Petitioner's rebuttal to Respondent's affirmative defense of failure to exhaust administrative remedies (raised in Respondent's Responses) is best set forth in a single Reply. This is true because she will argue, inter alia, that exhaustion has been satisfied, or should be excused, because of events that occurred in the Northeast Region in regard to the Connecticut case. Consequently, said exhaustion should be deemed satisfied (or excused) as to the same acts against the Petitioner occurring in FMC Carswell. The FBOP is a single agency and full faith and credit should be given when the same situation keeps occurring and has been exhausted in a different region.

Consolidation of these actions only makes sense and will conserve valuable judicial time and resources.

Petitioner spoke with Respondent's counsel AUSA Angie Henson who declined to assent to this motion.²

12/18/14
Date

Respectfully submitted by

Lisa Biron
Lisa A. Biron #12775-049
FMC Carswell
P.O. Box 27137
Fort Worth, TX 76127

² Ironically, Respondent accuses Petitioner of "knowingly wasting the court's time and resources" in her Response Brief. (See Respond. Resp. 4:14-CV-772-O at 6).

CERTIFICATION

I hereby certify that on this date a copy of this document was mailed first class U.S. mail to Angie Henson, Esq. by depositing said document in the inmate legal mail system.

12/18/14
Date

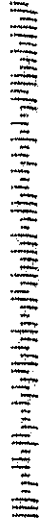
Lisa Biron
Lisa A. Biron



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